

The first bill extends the pilot program created by the PROTECT Act. The pilot program allows the National Center for Missing and Exploited Children, NCMEC, in cooperation with the FBI, to provide a background check process for volunteers working for organizations, such as the Boys and Girls Clubs of America, National Mentoring Partnership, and the National Council of Youth Sports. The National Center for Missing and Exploited Children provides its expertise to assist volunteer organizations in evaluating the criminal records of volunteers to determine if the volunteers are fit to interact and provide care for children.

So far, the NCMEC has processed over 2,500 checks. Through these checks the Center has been able to prevent criminals, including child molesters, from applying and securing volunteer positions with youth organizations. Of those applicants whose files showed an offense, over 50 percent of the applicants lied and indicated they did not have a criminal record. Some of the startling examples of people who were found unfit to work with children included: (1) one convicted of manslaughter, (2) one found guilty on charges of Aggravated Criminal Sexual Assault as well as domestic battery, (3) one convicted of three charges of endangering the welfare of a child, (4) one convicted of lewdness and was charged for kidnapping, (5) one charged with sexual contact with a child under the age of 16, (6) one charged with 31 counts, including multiple rapes and assaults, indecent liberties, eluding, and prostitution, (7) one charged with aggravated battery of a pregnant woman, and (8) one charged with oral copulation by force, rape by force, and oral copulation by force, in one instance the victim under 14 and in another, 10 years younger. My bill would allow this invaluable program to continue to prevent convicted criminals such as these from working with children.

The Prevention of Child Abduction Partnership Act grants private entities, including the National Center for Missing and Exploited Children, immunity from tort liability when they are assisting the U.S. State Department in carrying out its functions under the International Child Abduction Remedies Act.

MISSING CHILD COLD CASE REVIEW ACT OF 2004

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 2435 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2485) to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering and passing the "Missing Child Cold Case Review Act of 2004," S. 2435, which will allow an Inspector General to authorize his or her staff to provide assistance on and conduct reviews of the inactive case files involving children, or "cold cases," stored at the National Center for Missing & Exploited Children (NCMEC) and to develop recommendations for further investigations.

I thank Senators GRASSLEY, LINCOLN and HATCH for joining me as cosponsors of this bipartisan legislation. I thank them for their leadership in this area.

Speed is everything in homicide investigations. As a former prosecutor in Vermont, I know firsthand that speed is of the essence when trying to solve a homicide. This focus on speed, however, has led the law enforcement community to generally believe that any case not solved within the first 72 hours or lacking significant leads and witness participation has little likelihood of being solved, regardless of the expertise and resources deployed. With time, such unsolved cases become "cold," and these are among the most difficult and frustrating cases detectives face because they are, in effect, cases that other investigators, for whatever reason, failed to solve.

Our Nation's law enforcement agencies, regardless of size, are not immune to rising crime rates, staff shortages and budget restrictions. Such obstacles have strained the investigative and administrative resources of all agencies. More crime often means that fewer cases are vigorously pursued, fewer opportunities arise for follow-up and individual caseloads increase for already overworked detectives.

All the obstacles that hamper homicide investigations in their early phases contribute to cold cases. The National Center for Missing & Exploited Children—our Nation's top resource center for child protection—presently retains a backlog of cold cases involving children that law enforcement departments nationwide have stopped investigating primarily due to all those obstacles. NCMEC serves as a clearinghouse for all cold cases in which a child has not been found and/or the suspect has not been identified.

The bill that we pass today will allow an inspector general to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation and similar activities. The inspector general community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and are highly-trained and extremely capable of dealing with complex, criminal cases.

Under current law, an inspector general's duties are limited to activities related to the programs and operations of an agency. Our bill would allow an inspector general to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere with normal duties. An inspector general would not conduct actual investigations, and any inspector general would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an inspector general.

From time to time a criminal investigator employed by an inspector general may be between investigations or otherwise available for brief periods of time. This act would also allow those resources to be provided to the National Center for Missing & Exploited Children. Commitment of resources would be at a minimum and would not materially affect the budget of any office.

We have before us the type of bipartisan legislation that should move easily through the House once it passes the Senate. It is supported by the Department of Justice Office of the Inspector General. I applaud the ongoing work of the National Center for Missing & Exploited Children and hope the House will follow the Senate's leadership and promptly pass this bill to provide NCMEC with the resources it requires to solve cold cases involving missing children.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2435) was read the third time and passed, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Child Cold Case Review Act of 2004".

SEC. 2. AUTHORITY OF INSPECTORS GENERAL.

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by inserting after section 3701 the following:

"SEC. 3701A. AUTHORITY OF INSPECTORS GENERAL.

"(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

"(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

"(2) by engaging in similar activities.

"(b) LIMITATIONS.—

"(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

"(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section."